

**EXTRACT FROM THE PARLIAMENTARY DEBATES
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Tufan Erhürman MP

As I underlined the other day, here the thing defined as a crime is still not clear. Although it is not 'homosexuality' as such, it is sexual intercourse of two homosexual men that is criminalised. Homosexuality is not a crime in our country, it never has been. In Turkey, sexual intercourse between two males aged over eighteen is still not a crime. Turkish society is ready for this, and only we cannot be ready? Moreover, just as I mentioned in my speech the other day, there is a case pending against the Republic of Turkey before the European Court of Human Rights because of the law in the Turkish Republic of Northern Cyprus. Moreover, twenty years ago, because of exactly the same law, the Southern Greek Cypriot Administration was sentenced on the grounds of a human rights violation in the *Cyprus vs. Modinos* decision. As a result, the law was changed, but do you want us to follow the same path? So we should wait two more weeks or so when the hearing against the Republic of Turkey is held on the 15th and Turkey is sentenced because of this law? The Law is non-existent in their country, but it is in ours. As a Parliament shall we bury our heads in the sand or are we going to change the law only after being sentenced? Can't we keep up with the world? Can't we still comprehend that the thing called morality is a subjective issue and the morality of Mr. Zorlu Töre and my morality do not overlap in any means and they do not need to overlap, because it is subjective? When we speak of sexual privacy, both the sexual privacy of Mr. Zorlu Töre and my sexual privacy should be fully protected. Note that the law from 1929 does not regulate rape or sexual harassment of male minors. So what is the logic? Sexual harassment can only be perpetrated against women, rapes can be perpetrated only against women and so can sexual assaults be only perpetrated against women? If it is perpetrated against a man, it is not a crime. However, hereby, we are removing the differentiation between male and female. For example sexual relation with a boy below the age of 16 is a crime and according to the draft bill it is

punishable with life imprisonment. If a man has a sexual intercourse with a boy younger than the age of 16, there is no question of consent. It is rape and it deserves a life sentence. However, the 1929 law prescribed a sentence not longer than 14 years. So the issue is not whether it is homosexuality or not, but the issue here is sexual privacy.

Mr. Çakıcı said many important things. He was right to ask whether as a state we have the right to look into people's bedrooms or shall we worry about the psychological consequences of the state's interference? What we actually do is ruin the psychological wellbeing of those people, because that is what happens if we promote hate speech, attack them in our newspapers all the time, if we always draw new cartoons and make jokes about their sexual orientation. If we ruin their psychological wellbeing they are the ones to be under protection indeed. It is not society that must be protected against these people, they should be protected. Therefore when we re-write Article 174, we should refer to hate speech not hate crime or speech as we used to. We have penalised this crime because we should think of these people. Friends, let's show some empathy here please: if a 14 year old homosexual male, a boy with that sexual orientation, is always exposed to hate speech against his sexual orientation in newspapers, on TV and radios, please, Mr. Çakıcı, think what his psychological condition would be. This is the real value to be protected, not subjective and personal values. Just like I've told you, I am positive after individual talks I have had, that this Parliament already thinks in the right way. Thus, I have only one wish: it is to pass this law unanimously.